



CITY OF MORGAN HILL
17555 PEAK AVENUE MORGAN HILL, CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Steve Tate, Mayor Pro Tempore
Larry Carr, Council Member
Mark Grzan, Council Member
Greg Sellers, Council Member

WEDNESDAY, FEBRUARY 9, 2005

AGENDA

CITY COUNCIL SPECIAL MEETING

6:00 P.M.

A Special Meeting of the City Council is called at 6:00 P.M. for the Purpose of Conducting: Interviews to fill an Unexpired Term on the Planning Commission; City Business; and Closed Sessions.

Dennis Kennedy, Mayor

CALL TO ORDER

(Mayor Kennedy)

ROLL CALL ATTENDANCE

(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk Torrez)

OPPORTUNITY FOR PUBLIC COMMENT

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK.

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY CLERK WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL.

OTHER BUSINESS:

	Time Estimate		Page
1.	30 Minutes	<u>PLANNING COMMISSION INTERVIEWS/APPOINTMENT</u>	
		<u>Recommended Action(s):</u>	
		1. <u>Conduct</u> Interview; and	
		2. <u>Appoint</u> to fill one (1) unexpired term on the Planning Commission; term ending June 1, 2007	

CONSENT CALENDAR:

ITEM 2 - 4 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

	Time Estimate		Page
	Consent Calendar: 1 - 10 Minutes		
2.		<u>BAY AREA UNITES – TSUNAMI FUNDRAISING EFFORTS</u>	
		<u>Recommended Action(s):</u>	
		1. <u>Adopt</u> Resolution Supporting and Commending “Bay Area Unites” – Tsunami Fundraising Efforts	
3.		<u>APPROVAL OF SPECIAL CITY COUNCIL & SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR JANUARY 14, 2005</u>	
4.		<u>APPROVAL OF SPECIAL CITY COUNCIL & SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR JANUARY 15, 2005</u>	

OTHER BUSINESS:

	Time Estimate		Page
5.	15 Minutes	<u>REPORT AND RECOMMENDATION REGARDING THE DRAFT FEBRUARY 2, 2005 CLEAN-UP AND ABATEMENT ORDER FOR THE OLIN SITE</u>	35
		<u>Recommended Action(s):</u> For Council <u>Discussion</u> and <u>Direction</u> to Staff.	

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 4

2.

CONFERENCE WITH LABOR NEGOTIATOR:

Authority: Government Code Section 54957.6
Agency Negotiators: City Manager; Human Resources Director
Employee Organizations:
AFSCME Local 101
Morgan Hill Community Service Officers Association

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT



CITY COUNCIL STAFF REPORT

MEETING DATE: February 9, 2005

Agenda Item # 1

Prepared By:

**Council Services &
Records Manager/
City Clerk**

Submitted By:

City Manager

PLANNING COMMISSION INTERVIEWS/APPOINTMENT

RECOMMENDED ACTIONS:

1. **Conduct** interviews
2. **Appoint** to fill one (1) unexpired term on the Planning Commission; term ending June 1, 2007

EXECUTIVE SUMMARY:

A vacancy has occurred on the Planning Commission due to the death of Planning Commissioner Robert Engles. The City Clerk's Office solicited applications to fill this vacancy. To date, three applications have been received from citizens interested in serving on the Planning Commission: 1) Mike Davenport; 2) Susan L. Koepp-Baker; and 3) Lee Schmidt (applications attached). Staff recommends that the City Council interview each Planning Commission applicant. Upon conclusion of the interview process, staff recommends that the Council appoints to fill the unexpired term ending June 1, 2007.

Staff will note that there will be three (3) Planning Commissioners whose terms will be expiring on June 1, 2005. Staff proposes to advertise to fill these upcoming vacancies in early April with interviews before the City Council to be scheduled in May 2005.

FISCAL IMPACT: The time necessary to prepare this report is accommodated in the Council Services and Records Manager's operating budget.



CITY COUNCIL STAFF REPORT

February 9, 2005

Agenda Item # 2

Prepared By:

**Council Services &
Records Manager**

Submitted By:

City Manager

BAY AREA UNITES – TSUNAMI FUNDRAISING EFFORTS

RECOMMENDED ACTION(S):

Resolution Supporting and Commending “Bay Area Unites” – Tsunami Fundraising Efforts

EXECUTIVE SUMMARY:

On December 26, 2004, a Tsunami tidal wave struck the coastlines of Indonesia, Sri Lanka, and Thailand. The Tsunami tidal wave caused major devastation to these coastal areas; injuring many, killing an estimated 200,000+ individuals; leaving many homeless and destitute.

Tsunami relief efforts are taking place throughout the United States. At the City Council’s February 2, 2005 meeting, the Council received a presentation from Mr. Kris Bholla, informing the Council that a group of Bay Area civic, business, cultural and religious organizations have band together to put together a “Tsunami Relief” fundraising event to be held on Sunday, February 9, 2005. The fundraising event will be held at the HP Pavilion in San Jose. These organizations have band together in order to raise substantial funds to assist Tsunami victims in restoration and humanitarian efforts.

The Council directed that staff return with a resolution in support of the fundraising efforts of “Bay Area Unites.” A resolution is attached for Council consideration.

FISCAL IMPACT: No budget adjustment required.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL SUPPORTING AND COMMENDING BAY AREA UNITES' TSUNAMI FUNDRAISING EFFORTS

WHEREAS, on December 26, 2004, a Tsunami tidal wave struck the coasts of Indonesia, Sri Lanka and Thailand, causing complete devastation of those coastal areas; and

WHEREAS, hundreds of thousands of Tsunami survivors have lost their loved ones, were injured, and have been left homeless and destitute due to this incredible disaster; and

WHEREAS, this largest natural disaster in history has caused billions of dollars in property damage; and

WHEREAS, billions of dollars are required to prevent health calamities like cholera, and to provide survival level resources to the largest struggling population; as well as the reconstruction of property and businesses; and

WHEREAS, large areas of agricultural lands have been washed away and will require years of effort and substantial funds for restoration; and

WHEREAS, in the tradition of extending support to people in need, Bay Area communities and organizations have decided to bring people together to help in relief efforts to assist the Tsunami victims of the following seven countries: Indonesia, Sri Lanka, India, Thailand, The Maldives, Malaysia, and Somalia; and

WHEREAS, Bay Area Unites has organized a major Tsunami Relief event to be held on Sunday, February 20, 2005 at the HP Pavilion, in San Jose, California.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Morgan Hill hereby supports and commends the efforts of Bay Area Unites, a coalition of several businesses, civic, cultural and religious organizations, in their efforts to band together to create an unprecedented event that will bring several thousands of people together for a Tsunami Relief event to raise funds for relief and rehabilitation efforts for the victims of the recent Tsunami disaster.

PASSED AND ADOPTED by the City Council of Morgan Hill at a Special Meeting held on the 9th day of February, 2005 by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

IRMA TORREZ, City Clerk

DENNIS KENNEDY, Mayor

🦉 CERTIFICATION 🦉

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Resolution No. , adopted by the City Council at a Special Meeting held on February 9, 2005.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk

**CITY OF MORGAN HILL
JOINT SPECIAL CITY COUNCIL AND
SPECIAL REDEVELOPMENT AGENCY MEETING
MINUTES – JANUARY 14, 2005**

CALL TO ORDER

Mayor/Chairman Kennedy called the special meeting to order at 8:00 a.m.

ROLL CALL ATTENDANCE

Present: Council/Agency Members Carr, Grzan, Sellers, Tate and Mayor/Chairman Kennedy

DECLARATION OF POSTING OF AGENDA

Deputy City Clerk/Deputy Agency Secretary Tewes certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

PUBLIC COMMENT

Mayor/Chairman Kennedy opened the floor to public comment for items not appearing on the agenda. No comments were offered.

City Council and Redevelopment Agency Action

1) GOAL SETTING WORKSHOP

The Council/Agency Board reviewed the accomplishments of the past year. The Council/Agency Board individually identified proposed goals for 2005.

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

No items were identified.

ADJOURNMENT

Mayor/Chairman Kennedy adjourned the meeting at 5:00 p.m. to Saturday, January 15, 2005, 8:30 a.m. to continue discussion of proposed 2005-goals.

MINUTES RECORDED PREPARED BY:

IRMA TORREZ, CITY CLERK/AGENCY SECRETARY

**CITY OF MORGAN HILL
JOINT SPECIAL CITY COUNCIL AND
SPECIAL REDEVELOPMENT AGENCY MEETING
MINUTES – JANUARY 15, 2005**

CALL TO ORDER

Mayor/Chairman Kennedy called the special meeting to order at 8:30 a.m.

ROLL CALL ATTENDANCE

Present: Council/Agency Members Carr, Grzan, Sellers, Tate and Mayor/Chairman Kennedy

DECLARATION OF POSTING OF AGENDA

Deputy City Clerk/Deputy Agency Secretary Tewes certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

PUBLIC COMMENT

Mayor/Chairman Kennedy opened the floor to public comment for items not appearing on the agenda. No comments were offered.

City Council and Redevelopment Agency Action

1) GOAL SETTING WORKSHOP

The City Council/Agency Board continued their discussion of proposed goals for 2004. The Council/Agency Board tentatively established proposed 2005-goals in the area of City budget, Economic Development, Library, and other topics contained in the 2004-adopted goals. Staff was asked to prepare a report and recommendation on the establishment of five standing committees to replace the current system of ad hoc and single subject subcommittees. The five standing committees would consist of two Council members.

Staff was further asked to draft proposed goal statements to be reviewed and adopted by the Council at the February 16, 2005 Council meeting.

Council Member Grzan excused himself from the meeting at 12:30 p.m.

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

No items were identified.

ADJOURNMENT

There being no further business Mayor/Chairman Kennedy adjourned the meeting at 1:15 p.m.

MINUTES RECORDED PREPARED BY:

IRMA TORREZ, CITY CLERK/AGENCY SECRETARY



CITY COUNCIL STAFF REPORT
MEETING DATE: February 9, 2005

**REPORT AND RECOMMENDATION REGARDING THE
DRAFT 2/4/05 CLEAN-UP AND ABATEMENT ORDER FOR
THE OLIN SITE**

Agenda Item # 5

Prepared By:

Public Works Director

Submitted By:

City Manager

RECOMMENDED ACTION: For Council discussion and direction to Staff.

EXECUTIVE SUMMARY: At 10:00am on 2/4/05, the City received the attached draft Clean-up and Abatement Order (CAO) issued by the Central Coast Regional Water Quality Control Board to Olin and Standard Fusee. City staff has only preliminarily reviewed the report, but are concerned that the order appears to only affect the southerly plume area requiring clean-up and abatement of effects of perchlorate for San Martin and potential effects on the City of Gilroy, however, does not require clean-up and abatement of the perchlorate that has affected the City's northeast wells. The issue of the northeast contamination has been the subject of separate Regional Board directives which are currently being appealed by Olin. The implications of these two separate approaches (clean-up and abatement order and a Regional Board directive) need to be evaluated carefully.

FISCAL IMPACT: The City and SCVWD continue to spend substantial public funds removing perchlorate from both our Nordstrom and Tennant Wells.